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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,802	10/17/2000	Petteri Putkiranta	P3439US00	1591
11764 7590 04/04/2013 Ditthavong Mori & Steiner, P.C. 44 Canal Center Plaza Suite 322 Alexandria, VA 22314				
EXAMINER				
HO, HUY C				
ART UNIT		PAPER NUMBER		
2644				
NOTIFICATION DATE		DELIVERY MODE		
04/04/2013		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com  
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**Office Action Summary****Application No.**

09/646,802

**Applicant(s)**

PUTKIRANTA, PETTERI

**Examiner**

HUY C. HO

**Art Unit**

2644

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 5-9, 13, 14 and 16-28 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 5-9, 16-19, 22 and 25-28 is/are rejected.
- 8) ☒ Claim(s) 13, 14, 20, 21, 23 and 24 is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

\* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 22 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/05/2012

- 3) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 4) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 11/20/2012, PROSECUTION IS HEREBY REOPENED. New ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2644

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as where the claims 22-24 recited "computer-readable storage medium", wherein variations of the term "storage" are not necessarily considered to limit a media claim to non-transitory embodiments because content may be considered to be stored on a signal during propagation and because many disclosures conflate storage media and signals. Correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been

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obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Fehnel (US Patent No. 5,887,251) and further in view of Stewart (US Patent No. 2008/0051108).

Regarding claim 5, Fehnel teaches an apparatus (*Fehnel, the Abstract, Figure 2*), comprising:

at least one processor (*Fehnel, Figure 2, microprocessor 112*); and

at least one memory including computer program code for one or more programs, the at least one memory and the computer program code configured to, with the at least one processor (*Fehnel, Figure 2, memory 114*), cause the apparatus to perform at least the following,

generate a message when the apparatus determines that the apparatus arrives in a service area (*Fehnel, col 3 lines 40-65*);

cause, at least in part, transmission of the message to a communications system (*Fehnel, col 3 lines 40-65*); and

receive, in response to the message, one or more available services localized based upon the localized service area (Fehnel, col 11 lines 25-44).

Fehnel does not teach "the message specifying that the apparatus is in the localized service area".

Stewart teaches "the message specifying that the apparatus is in the localized service area" (Stewart, col 4 lines 35-45, disclosing upon arriving at an airport, a mobile unit 5 transmits a message indicating that the user is arriving at the airport, thus reading upon "the message specifying that the apparatus is in the localized service area").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Fehnel by incorporating teachings of Stewart a mobile unit is able to send a message indicating its arrival to a place such as an airport to inform its arrival thus the network system can provide prepared services such as car rental services or hotel room services ready upon the user's arrival to the airport such that the user does not waste time to get behind a long line registering or checking in for those services (Stewart, the Background of the Invention, col 1 lines 15-67).

Regarding claim 7, Fehnel teaches a method (Fehnel, the Abstract), comprising:

generating, at a mobile station, a message when the mobile station determines that it arrives in a service area (*Fehnel*, col 3 lines 40-65), and

causing, at least in part, transmission of the message to a communications system (*Fehnel*, col 3 lines 40-65); and

receiving, in response to the message, one or more available services localized based upon the localized service area (*Fehnel*, col 11 lines 25-44).

Fehnel does not teach "the message specifying that the apparatus is in the localized service area".

Stewart teaches "the message specifying that the apparatus is in the localized service area" (*Stewart*, col 4 lines 35-45, disclosing upon arriving at an airport, a mobile unit 5 transmits a message indicating that the user is arriving at the airport, thus reading upon "the message specifying that the apparatus is in the localized service area").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Fehnel by incorporating teachings of Stewart a mobile unit is able to send a message indicating its arrival to a place such as an airport to inform its arrival thus the network system can provide prepared services such as car rental services or hotel room services ready upon the user's arrival to the airport

such that the user does not waste time to get behind a long line registering or checking in for those services (*Stewart, the Background of the Invention, col 1 lines 15-67*).

Regarding claim 22, Fehnel teaches a computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors (*Fehnel, the Abstract*), cause an apparatus to at least perform the following steps:

generating a message when the apparatus determines that the apparatus arrives in a service area (*Fehnel, col 3 lines 40-65*), and

cause, at least in part, transmission of the message to a communications system (*Fehnel, col 3 lines 40-65*); and

receiving, in response to the message, one or more available services localized based upon the localized service area (*Fehnel, col 11 lines 25-44*).

Fehnel does not teach "the message specifying that the apparatus is in the localized service area".

Stewart teaches "the message specifying that the apparatus is in the localized service area" (*Stewart, col 4 lines 35-45, disclosing upon arriving at an airport, a mobile unit 5 transmits a message indicating that the user is arriving at the*



*airport, thus reading upon "the message specifying that the apparatus is in the localized service area").*

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Fehnel by incorporating teachings of Stewart a mobile unit is able to send a message indicating its arrival to a place such as an airport to inform its arrival thus the network system can provide prepared services such as car rental services or hotel room services ready upon the user's arrival to the airport such that the user does not waste time to get behind a long line registering or checking in for those services (*Stewart, the Background of the Invention, col 1 lines 15-67*).

Regarding claim 6, Fehnel, as modified by Stewart, teaches an apparatus of claim 5, wherein the apparatus is a mobile phone, and said at least one memory includes a removable memory (*Fehnel, Figure 2, col 11 lines 19-20*).

Regarding claim 8, Fehnel, as modified by Stewart, teaches a method of claim 7, further comprising:

in response to the message receiving one or more service changes at the mobile station (*Stewart, col 2 lines 35-47, col 3 lines 1-9*).

Regarding claim 9, Fehnel, as modified by Stewart, teaches a method of claim 8, wherein said one or more service changes

involve sending of announcements to the mobile station (*Stewart, col 2 lines 35-47, col 3 lines 1-9*).

Regarding claim 16, Fehnel, as modified by Stewart, teaches a method of claim 7, wherein the message is either a short message service message, an unstructured supplementary service data message, or a dual tone multi-frequency-coded message (*Stewart, col 4 lines 35-45*).

Regarding claim 17, Fehnel, as modified by Stewart, teaches a method of claim 7, wherein the message is sent to the communications system in conjunction with a telephone call or a data call (*Stewart, col 4 lines 35-45*).

Regarding claim 18, Fehnel, as modified by Stewart, teaches a method of claim 7, wherein the one or more available services include announcements specific for the localized service area (*Stewart, col 5 lines 22-55*).

Regarding claim 19, Fehnel, as modified by Stewart, teaches a method of claim 7, wherein the localized service area is an airport or a cafeteria (*Stewart, col 5 lines 22-55*).

Regarding claim 25, Fehnel, as modified by Stewart, teaches a method of claim 7, wherein the localized service area is defined independently from cells, and the current geographic location of the mobile station includes geographic coordinates (*Stewart, col 3 lines 45-62*).

Regarding claim 26, Fehnel, as modified by Stewart, teaches a method of claim 7, further comprising:

causing, at least in part, transmission of a notification indicating that the mobile station determines that the mobile station departs the localized service area to change reception of the one or more available services (*Stewart, col 5 lines 22-55*).

Regarding claim 27, Fehnel, as modified by Stewart, teaches a method of claim 7, wherein the localized service area is defined in a chronological term, a temporal dimension, or a combination thereof (*Stewart, col 4 lines 35-65*).

Regarding claim 28, Fehnel, as modified by Stewart, teaches a method of claim 7, wherein the one or more available services include call pricing, call prioritization, a modulation method limitation, a communication data rate, communication connection quality, routing of incoming data to the mobile station or another mobile station, activation or inactivation of automatic call transfer, activation or inactivation of a voice mail service, or a combination thereof (*Stewart, col 3 lines 1-35*).

***Allowable Subject Matter***

5. Claims 13, 14, 20, 21, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if

rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY C. HO whose telephone number is (571)270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or  
access to the automated information system, call 800-786-9199  
(IN USA OR CANADA) or 571-272-1000.

/HUY C HO/

Primary Examiner, Art Unit 2644

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2644